

• • R E M A R K S • •

The Official Action of August 1, 2000 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, non-elected claims 4 and 5 have been canceled without prejudice or disclaimer and claim 1 has been amended to recite that the fabric is in the form of a sheet having a plurality of protuberances that project from a surface of the sheet. These protuberances are depicted in Fig. 2 by reference numeral 51 and discussed in the specification at page 5, line 11-14, *et seq.*

Also by the present amendment, new claims 6-8 have been added. New claim 6 recites the plurality of protuberances have heights of about 0.2 to 5 mm and pitches of about 1 to 10 mm in lateral and transverse directions of the sheet. New claim 7 recites that the protuberances are have a conical shape. New claim 8 recites that the protuberances have a pyramidal shape. Support for claim 6 can be found on page 5, lines 17-19. Support for claims 7 and 8 can be found on page 7, lines 10-16.

Entry of the changes to the claims is respectfully requested.

Claims 1-3, and 6-8 are pending in this application.

Applicants reserve their right to seek patent protection for the subject matter in non-elected claims 4 and 5 by filing one or more divisional applications during the pendency of the present application.

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,100,324 to Anderson et al.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over Anderson et al. and therefore, the outstanding rejection of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is respectfully urged.

By the present amendment, independent claim 1 has been changed to recite that the fabric is in the form of a sheet having a plurality of protuberances that project from a surface of the sheet. These protuberances improve the wiping effect of applicants' fabric so that it has particular use as a paper towel, such as for example a kitchen towel or a wipe-up sheet.

The Examiner has relied upon Anderson et al. as teaching a nonwoven fabric that includes meltblown microfibers and pulp fibers.

The limitation regarding the protuberances was not previously in the claims and therefore, the Examiner did not consider nor comment on this limitation when relying upon Anderson et al.

Applicants do note however, that Anderson et al does teach embossing the nonwoven fabric. In this regard, at column 6, line 43 through column 7, line 12, Anderson et al. discusses embossing the fabric and depicts such embossing in Figs. 3-5.

The embossing of the nonwoven fabric as disclosed by Anderson et al. is different and distinct from the manner in which applicants' fabric is provided with protuberances.

In Anderson et al. the embossing is disclosed as being used to "...improve the strength of the composition web..." (column 6, line 47) and involves "...embossing either ultrasonically or at an

elevated temperature so that the thermoplastic microfibers are flattened into a film-like structure in the embossed areas."

Thus, it is submitted that rather than teach the formation of protuberances, Anderson et al. utilizes an embossing technique that forms *flattened* areas in the fabric.

Due to the inclusion of meltblown fibers in the fabric of Anderson et al. is it suspected that the disclosed embossing technique may well cause fusing of the individual fibers and/or the fiber interstices. Such results which may improve the strength of nonwoven fabrics are known to lower the liquid-absorbency at the same time.

According to applicants' invention the sheet having the protuberances has a particular structure in which the synthetic and pulp fibers are slightly oriented so far are regions defined from the bases toward crests of the respective protuberances, and are randomly distributed in regions between the protuberances, as discussed in the paragraph bridging pages 5 and 6 of applicants' specification.

It is thus submitted that applicants' claimed invention which involves the providing protuberances on or in the nonwoven sheet distinguishes over Anderson et al.

Based upon the above distinctions between Anderson et al. as relied upon by the Examiner and the present invention, and the overall teachings of Anderson et al. properly considered as a whole, it is respectfully submitted that the Examiner can not properly rely upon Anderson et al. as required under 35 U.S.C. §102 to show anticipation of applicants' claimed invention.

It is, therefore, submitted that any reliance upon Anderson et al. would be improper inasmuch as this reference does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Anderson et al. and the rejection should hence be withdrawn. Therefore, reconsideration of the rejection and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-0385 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BAKER & DANIELS
111 East Wayne Street
Suite 800
Fort Wayne, Indiana 46802
(219) 460-1661

151119